

## **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.



Reserve

1.96  
Ad b Faw

UNITED STATES DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE  
Washington 25, D.C.



FIELD MEMORANDUM SCS # 1113

Re: Amendment of SCS Forms  
as required by Executive  
Order 9701

April 23, 1946

TO ALL RANKING FIELD OFFICERS:

Executive Order 9701, signed by the President on March 4, 1946, and published in the Federal Register for March 8, 1946, revoked Executive Order 9613 and provides for the retention by the United States of ownership and control of "fissionable" materials in Federally owned lands for use in the production of atomic energy. In order to carry out the requirements of Executive Order 9701, Departmental policies were established by Secretarial memorandum No. 1153, dated March 14, 1946.

The Executive Order provides that:

"So far as not in conflict with existing law, . . .  
(c) All leases, permits or other authorizations which otherwise would preclude the United States from exercising its rights to enter upon the lands and prospect for, mine, and remove minerals, shall reserve to the United States all fissionable materials in the lands, together with the right, at any and all times, to enter upon the lands and prospect for, mine, and remove such materials: . . ." (Underscoring supplied.)

The Solicitor was asked to review the Service forms which are used in leasing or issuing permits covering Title III lands from the standpoint of any amendments necessary to conform with the Executive Order and Departmental policy. The opinion of the Solicitor is summarized as follows:

1. Forms entitled Special Use Permit (Form SCS-39 (Revised)) and Grazing Permit (Form SCS-36 (Revised)) need no amendment since permittees are authorized to use Title III lands solely for the purposes stated in the permits and they may be terminated by the Service at will without notice.
2. The form entitled Grazing Agreement (Form SCS-49 (Revised)), is considered too restrictive. In order to comply with the Executive Order, section E-1 of this form should be revised to read as follows:

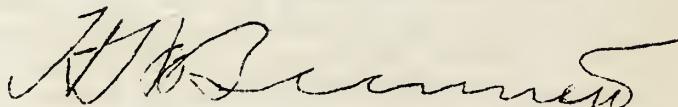
"The United States may enter upon the lands subject to this agreement, at any and all times, for the purpose of making surveys, inspections, or conducting any other Governmental activities, and shall have the right to use such parts of the surface as may be necessary in prospecting for, mining, and removing coal, oil, gas, fissionable materials, and other minerals or mineral ores."

3. The form entitled Temporary Use Agreement (Form SCS-429 (Superseding Form LU-PO-12)) in its present form may preclude the Government from entering upon the land and prospecting for, mining, and removing minerals for a period of at least 30 days. Therefore, the following should be inserted in that form as section 17:

"17. The United States reserves to itself and assigns all coal, oil, gas, fissionable materials, and other minerals or mineral ores whatsoever in, upon, or under the said lands, together with the usual mining rights, powers, and privileges, including the right, at any and all times, to enter upon said lands and to use such parts of the surface as may be necessary in prospecting for, mining, and removing the said minerals or materials."

Steps will be taken to have pages 5 and 6 of the form Grazing Agreement (SCS-49 (Revised)) reprinted to include the revision quoted in paragraph 2, above. Until a printed supply of these pages is available, any Grazing Agreement prepared in the field should have the present section E-1 deleted and the revised wording inserted.

Since the form Temporary Use Agreement (SCS-429) is used only for granting occupancy and other use privileges in connection with the closing of land acquisition cases, it is not contemplated that this form will be reprinted until such time as further land purchase under Title III may be authorized. In the meantime, if there is need for use of this form, section 17, as prescribed above, should be inserted.



Chief